

Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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| <p>BECKSON MARINE, INC., a Connecticut corporation; CAROLE A. BECKERER, ELOISE BRADY and JOAN A. JONES, Custodians,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NFM, INC., a Washington corporation,</p> <p style="text-align: center;">Defendant.</p> | <p>Cause No. 3:98-cv-05531 FDB</p> <p>JUDGMENT THAT U.S. PATENT NO. 4,363,350 IS NOT INVALID AND IS INFRINGED AND DISMISSING DEFENDANT'S COUNTERCLAIMS WITH PREJUDICE</p> <p><b>Noted for Consideration:<br/>September 23, 2005</b></p> |
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This matter came before the court on the motion of the Plaintiffs for entry of judgment of that U.S. Patent No. 4,363,350 is not invalid and infringed and for judgment that Defendants' counterclaims of inequitable conduct, Lanham Act violations, state law unfair competition violations and anti-trust violations with prejudice.

The court having read the moving papers and defendant's response thereto, and in light of the Opinion of the United States Court of Appeal for the Federal Circuit filed July 28, 2005 (Clerk's Docket No. 256) and the mandate thereof spread of even date (Clerk's Docket No. 257) it is hereby:

1 ORDERED ADJUDGED AND DECREED that

2 1. U.S. Patent No. 4,363,350 is not invalid and that the accused devise of Defendant  
3 infringes Claim 1 of said patent; and.

4 2. Defendant's counterclaims for inequitable conduct, Lanham Act violations, state  
5 unfair competition claims and anti-trust claims are dismissed with prejudice.

6 DONE IN OPEN COURT THIS 28<sup>th</sup> day of September, 2005.

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10 FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

11 Respectfully Submitted: September 2, 2005

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